



ARMAN.001A

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PATENT

#3/ald
7-24-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : George W. Peters
App. No. : 09/929,473
Filed : August 13, 2001
For : GAS/OIL WELL
MONITORING SYSTEM
Examiner : Unknown

Group Art Unit: 2862

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on

January 15, 2002

(Date)

Gordon H. Olson, Reg. No. 20,319

PETITION FOR WITHDRAWAL AS ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTENTION: Director Group 2862

Dear Sir:

The subject application was prepared at the request of Michael A. Armani, who is understood to be the owner of the invention covered by the application, although a written assignment has not been prepared or recorded. Pursuant to 37 C.F.R. § 1.36, the Petitioner requests permission to withdraw as attorney for Michael A. Armani before the Patent and Trademark Office concerning the above-identified application. Petitioner also requests permission to withdraw as attorney for Applicant, George Peters, although petitioner never actually represented Mr. Peters. The Petitioner is authorized by, and makes this request on behalf of the law firm of Knobbe, Martens, Olson & Bear, LLP (Customer No. 20,995), including all of its individual members.

The last known mailing addresses of the owner of the entire interest and the Applicant are:

Appl. No : 09/929,473
Filed : August 13, 2001

Michael A. Armani - Owner
18 Saucito
Foothill Ranch, CA 92610

Telewave Data Inc. (a company formed by Mr. Armani to develop the invention)
23412 Moulton Parkway
Laguna Hills, CA 92653

George W. Peters – inventor/applicant
890 W. 15th Street, Unit 103
Newport Beach, CA 92663

The basis for the request for withdrawal is 37 C.F.R. § 10.40(c)(1)(vi). The following facts are submitted for consideration:

1. In August, 2001, Mr. Armani engaged Petitioner's law firm to prepare and file a patent application on the invention disclosed in the above-referenced application.
2. Petitioner prepared and filed the application on August 13, 2001.
3. Mr. Armani has failed to pay one or more bills. The outstanding account balance currently stands at \$18,700.
4. Mr. Armani has made repeated commitments to pay the full amount of the current balance, but has failed to keep those commitments.
5. On December 5, 2001, Mr. Armani was given notice that the Petitioner would seek to withdraw if the financial matter could not be resolved.

The application was filed on August 13, 2001, without a signed declaration. In response to a Notice of Missing Parts, a signed declaration was mailed to the Patent and Trademark Office on December 18, 2001. The application current status is pending without having yet received a first office action. There is no outstanding term for response.

The Petitioner has taken reasonable steps to avoid foreseeable prejudice to the rights of the client, such that the Applicant's rights are preserved. In accordance with 37 C.F.R.

Appl. No : 09/929,473
Filed : August 13, 2001

§ 10.40(a), the Petitioner has delivered into the possession of Mr. Armani the following information:

- (1) due notice that the attorney is withdrawing;
- (2) a copy of this petition, including attachments;
- (3) the time necessary for response in the event an office action is received;
- (4) the address of the Patent and Trademark Office where the Applicant needs to write;
- (5) if extensions and extension fees are required, this information has also been indicated; and
- (6) an offer to deliver to the client all papers and property to which the client is entitled.

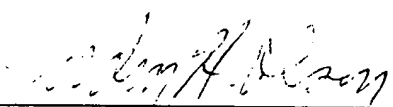
A copy of the letter to the client is attached.

In accordance with 1058 O.G. 32, this petition is enclosed in triplicate to expedite its handling.

The Petitioner, on behalf of the law firm of Knobbe, Martens, Olson & Bear, LLP (**Customer No. 20,995**), including all of its individual members, respectfully requests permission to withdraw as attorney in the above-referenced case now pending before the U.S. Patent & Trademark Office. The Commissioner is hereby authorized to charge any additional fees, which may be required now or credit any overpayment, to Account No. 11-1410.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1/15/02

By: 
Authorized and Signing on behalf
of all attorneys of record

Gordon H. Olson
Registration No. 20,319
Attorney of Record
620 Newport Center Drive
Sixteenth Floor
Newport Beach, CA 92660
(949) 760-0404

Appl. No : 09/929,473
Filed : August 13, 2001

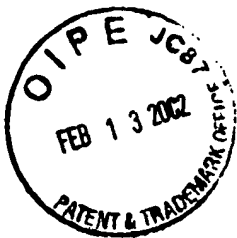
Attorneys of Record and Registration Numbers:

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Don W. Martens	21,107	Mark M. Abumeri	43,458
Gordon H. Olson	20,319	Paul N. Conover	44,087
James B. Bear	25,221	Karoline Delaney	44,058
Darrell L. Olson	28,247	Jon W. Gurka	44,139
William B. Bunker	29,365	Dale C. Hunt, Ph.D.	41,857
William H. Nieman	30,201	Sabing H. Lee	43,745
Arthur S. Rose	28,038	Eric M. Nelson	43,829
James F. Lesniak	25,240	Joseph M. Reisman, Ph.D.	43,878
Ned A. Israelsen	29,655	Robert J. Roby	44,304
Drew S. Hamilton	29,801	Rose M. Thiessen, Ph.D.	40,202
Jerry T. Sewell	31,567	Michael L. Fuller	36,516
John B. Sganga, Jr.	31,302	Mark R. Benedict, Ph.D.	44,531
Edward A. Schlatter	32,297	James J. Mullen III, Ph.D.	44,957
Gerard von Hoffmann	33,043	Michael A. Guiliana	42,611
Joseph R. Re	31,291	Mark J. Kertz	43,711
Daniel E. Altman	34,115	David G. Jankowski, Ph.D.	43,691
John M. Carson	34,303	Tom S. McClenahan	42,856
Andrew H. Simpson	31,469	Peter M. Midgley	44,239
William H. Shreve	35,678	John M. Grover	42,610
Vito A. Canuso	35,471	Mark J. Gallagher, Ph.D.	43,622
Stephen C. Jensen	35,556	Glen L. Nuttall	46,188
Steven J. Nataupsky	37,688	Eric S. Furman, Ph.D.	45,664
Joseph F. Jennings	40,664	Alexander Franco	45,753
Michael H. Trenholm	37,743	James W. Hill, M.D.	46,396
AnneMarie Kaiser	37,649	Joseph J. Mallon, Ph.D.	39,287
Brenton R. Babcock	39,592	Paul C. Steinhardt	30,806
Nancy Ways Vensko	36,298	David L. Hauser	42,643
Ronald J. Schoenbaum	38,297	Curtiss C. Dosier	46,670
John R. King	34,362	Bruce S. Itchkawitz	47,677
John P. Giezentanner	39,993	Michael S. Okamoto	47,831
Frederick S. Berretta	38,004	William C. Boling	41,625
Thomas R. Arno	40,490	Jeffrey A. Birchak	46,200
Craig S. Summers	31,430	Jeremy P. Sanders	47,916
Adeel S. Akhtar	41,394	Katsuhiko Arai	43,315
Ginger R. Dreger	33,055	Raimond J. Salenieks	37,924
David N. Weiss	41,371	Che S. Chereskin, Ph.D.	41,466
Daniel Hart, Ph.D.	40,637	Jennifer A. Haynes, Ph.D.	48,868
Lori Lee Yamato	40,881	James Ausley	49,076
Richard E. Campbell	34,790	Kirk E. Pastorian, Ph.D.	48,756
Douglas G. Muehlhauser	42,018		
Lee W. Henderson, Ph.D.	41,830		

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Knobbe Martens Olson & Bear LLP

Intellectual Property Law



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Gordon H. Olson

December 5, 2001

VIA FACSIMILE AND CERTIFIED MAIL 7000 0520 0020 8192 8288

Michael A. Armani
18 Saucito
Foothill Ranch, CA 92610

Re: U.S. Patent Application
Title: GAS/OIL WELL MONITORING SYSTEM
U.S. Application No.: 09/929473
Filed: August 13, 2001
Our Reference: ARMAN.001A (formerly TLNET.016A)

Dear Michael:

In order to expedite the filing of this application, it was previously filed in the U.S. Patent and Trademark Office ("USPTO") without a signed declaration by the inventor. The USPTO assigned to the application the official application number and filing date set forth in the enclosed copy of the filing receipt. The USPTO also sent the enclosed Notice to File Missing Parts. In order to maintain this filing date and sustain the pendency of the application, the enclosed declaration must be signed by George Peters and filed in the USPTO by December 18, 2001 to avoid time extension expense.

The Notice to File Missing Parts also asks for substitute drawings for the reason given in the Notice. In the rush to get this case on file we were only able to use the drawings supplied by George.

As I stated in my last phone message to you, we cannot continue to represent you, since our bill for preparing and filing the application remains unpaid. Unless our bill is paid by December 14, 2001, I plan to file in the Patent Office a petition to withdraw from representing you. I will, however, submit the declaration if you send it to me by that date. Also we will prepare substitute drawings if you provide \$1000.

Under the official Rules of Practice in patent cases, a patent applicant and his attorney are under an affirmative duty to disclose all information which is material to the examination of the application. The applicant is obligated to submit all "prior art" of which the applicant and his attorney are aware. We regularly satisfy that obligation by preparing and sending an information disclosure statement to the Patent and Trademark Office within three months after filing an

San Diego
619-235-8550

San Francisco
415-954-4114

Los Angeles
310-551-3450

Riverside
909-781-9231

Michael A. Armani

December 5, 2001

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application. We will include any prior patents discovered in any search we conducted for you; however, please advise us of any other prior art of which you are aware.

Prior art includes any publication which describes a device similar to that disclosed and claimed in the patent application, or which shows something sharing a significant common concept or feature with the invention for which a patent is sought. Any such publication which predates the date of invention or was published more than a year prior to the filing date of the application must be disclosed. Any doubts on this matter should be resolved in favor of disclosure.

Also included in prior art is any public use, disclosure or offering for sale of the invention or any relevant device in this country by the inventor or others, more than one year prior to the filing date of the application, or any knowledge or use of the invention by others in this country prior to your date of invention. This would include, for example, any prior patented or unpatented devices which you know of, particularly if they are closer to your invention than the references we discovered in the search. Photographs or brochures are usually the best way to show this prior art, if available. Again, all doubts should be resolved in favor of disclosure.

Failure to make a full disclosure, as described above, may seriously jeopardize the ability to enforce any patent that might issue, and willful failure to provide pertinent information may be grounds for invalidating any subsequently issued patent and can result in an action for damages against the patent owner.

The duty of disclosure is an ongoing duty throughout the pendency of the application.

Filing the application unsigned can delay the prosecution of the application. If it becomes necessary to appeal, the amount of time between the filing of the application and the submission of the signed declaration may be deducted from the total term of any patent resulting in this application. Thus, it is important that the enclosed declaration be signed as soon as possible and filed with the Patent and Trademark Office.

It is also important that the application be assigned to the proper entity, whether that be you or your corporation. If you decide to pay the bill, please let me know which entity.

If you have any questions, please call.

Sincerely,



Gordon H. Olson

Enclosures

cc: George Peters

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DECLARATION - USA PATENT APPLICATION

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As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled GAS/OIL WELL MONITORING SYSTEM; the specification of which was filed on **August 13, 2001** as Application Serial No. **09/929473**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/224,711

Filing Date: August 11, 2000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole inventor: **George W. Peters**

Inventor's signature _____

Date _____

Residence: **890 W. 15th Street, Unit 103, Newport Beach, CA 92663**

Citizenship: **U.S.**

Post Office Address: **same as above**

Knobbe Martens Olson & Bear LLP

Intellectual Property Law



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Gordon H. Olson

December 18, 2001

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Michael A. Armani
18 Saucito
Foothill Ranch, CA 92610

Re: U.S. Patent Application
Title: **GAS/OIL WELL MONITORING SYSTEM**
Application No.: 09/929473
Our Reference: ARMAN.001A

Dear Michael:

This is to inform you that we mailed the Declaration and substitute drawings to the United States Patent and Trademark Office on December 18, 2001 in the above-referenced patent application. Enclosed are copies for your records.

Not having heard from you regarding further payment on your account with our firm, I am proceeding with the step of withdrawing from representing you.

If you have any questions or wish additional information, please call me.

Sincerely,

Gordon H. Olson

Enclosure

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January 15, 2002

COPY OF PAPER
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Michael A. Armani
18 Saucito
Foothill Ranch, CA 92610

Re: U.S. Patent Application
Title: **GAS/OIL WELL MONITORING SYSTEM**
Application No.: 09/929473
Our Reference: ARMAN.001A

Dear Michael:

Enclosed is a copy of a Petition to Withdraw from representing you that I submitted to the U.S. Patent and Trademark Office on January 15, 2002.

The Patent Office will be sending future mail to you, or perhaps to George Peters, since there is no written assignment. Please let me know whether we should send your file to you or some other person.

Communication to the Patent Office should be addressed as shown on the petition.

Sincerely,

Gordon H. Olson

Enclosure

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